

Frequently Asked Questions

Licensed Collectors

What modifications can be made on C&R firearms without changing their C&R classification?

The definition for curio or relic (“C & R”) firearms found in 27 C.F.R. § 478.11 does not specifically state that a firearm must be in its original condition to be classified as a C&R firearm. However, ATF Ruling 85-10, which discusses the importation of military C&R firearms, notes that they must be in original configuration and adds that a *receiver* is not a C&R item. Combining this ruling and the definition of C&R firearms, the Firearms Technology Branch (FTB) has concluded that a firearm must be in its original condition to be considered a C&R weapon.

It is also the opinion of FTB, however, that a minor change such as the addition of scope mounts, non-original sights, or sling swivels would not remove a firearm from its original condition. Moreover, we have determined that replacing particular firearms parts with new parts that are made to the original design would also be acceptable—for example, replacing a cracked M1 Grand stock with a new wooden stock of the same design, but replacing the original firearm stock with a plastic stock would change its classification as a C&R item.

What is a firearm curio or relic?

Firearm curios or relics include firearms which have special value to collectors because they possess some qualities not ordinarily associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

- 1) Have been manufactured at least 50 years prior to the current date, but not including replicas thereof; or
- 2) Be certified by the curator of a municipal, State, or Federal museum which exhibits firearms to be curios or relics of museum interest; or
- 3) Derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or from the fact of their association with some historical figure, period, or event.

[27 CFR 478.11]

Is there a specific license that permits a collector to acquire firearms in interstate commerce?

Yes. The person may obtain a collector’s license; however, this license applies only to transactions in curio or relic firearms. The principal advantage of a collector’s license is that a licensed collector can acquire curios or relics in interstate commerce.

[27 CFR 478.41(c), (d), 478.50(b) and 478.93]

How does one get a collector’s license?

Submit ATF Form 7CR, Application for License (Collector of Curios or Relics), with the appropriate fee in accordance with the instructions on the form. These forms may be obtained from the Firearms and Explosives Licensing Center in Atlanta, Georgia, your local ATF office, or downloaded from ATF’s Internet site (www.atf.gov).

[27 CFR 478.41(c)]

Does a collector’s license afford any privileges to the licensee with respect to acquiring or disposing of firearms other than curios or relics in interstate or foreign commerce?

No. A licensed collector has the same status under the Gun Control Act (GCA) as a nonlicensee except for transactions in curio or relic firearms.

[27 CFR 478.93]

Does the Federal firearms law require licensed collectors to comply with State laws and local published

ordinances which are relevant to the enforcement of the GCA?

Yes. It is unlawful for any licensed collector to sell or deliver any firearm or ammunition to any person if the person's purchase or possession would be in violation of any State law or local published ordinance applicable at the place of sale or delivery.

[18 U.S.C. 922(b)(2), 27 C.F.R. 478.99(b)(2)]

Does a license as a collector of curio or relic firearms authorize the collector to engage in the business of dealing in curios or relics?

No. A collector's license only enables the collector to transport, ship, receive, and acquire curios and relics in interstate or foreign commerce, and to make disposition of curios and relics in interstate or foreign commerce, to any other licensee, for the period stated on the license. A collector's license does not authorize the collector to engage in a business required to be licensed under the Act. Therefore, if the acquisitions and dispositions of curios and relics by a collector brings the collector within the definition of a manufacturer, importer, or dealer, he shall qualify as such. A dealer's license must be obtained to engage in the business of dealing in any firearms, including curios or relics.

[18 U.S.C. 922(a) and 923(a)(1), 27 CFR 478.41(c)(d)]

What does "engaged in the business" mean?

The term "engaged in the business," as applicable to a firearms dealer, is defined as a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms, but such term shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms.

[27 CFR 478.11]

Are licensed collectors transfers of curio or relic firearms subject to the Brady law, including the provision for making background checks on transferees?

No. Transfers of curio or relic firearms by licensed collectors are not subject to the requirements of the Brady law. It is, however, unlawful to transfer a firearm to any person knowing or having reasonable cause to believe that such person is a felon or is within any other category of persons prohibited from receiving or possessing firearms.

[18 U.S.C. 922 (d), 27 CFR 478.32 (d), 18 U.S.C. 922(t)]

Is the transfer of a firearm by a licensed dealer to a licensed collector subject to the Brady law?

The Brady law does not apply to the transfer of a curio or relic firearm to a licensed collector, but a licensed collector who acquires a firearm other than a curio or relic from a licensee would be treated like a nonlicensee, and the transfer would be subject to Brady requirements.

Are licensed collectors required to execute ATF Form 4473 for transactions in curio or relic firearms?

No. Licensed collectors are only required to keep a "bound book" record.

[27 CFR 478.125(f)]

Are licensed collectors required to comply with the requirements that written notification be given to handgun transferees and signs be posted on juvenile handgun possession?

The requirement that written notification concerning juvenile handgun possession be given by licensees to a nonlicensee to whom a handgun is delivered applies to curio or relic handguns transferred by licensed collectors. Licensed collectors may lawfully dispose of curio or relic handguns away from their licensed premises. Therefore, the signposting

requirement does not apply to licensed collectors since, in the case of collectors, a requirement to post signs at the licensed premises would serve no purpose because the premises is not a business premises open to the public.

[18 U.S.C. 922 (x), 27 CFR 478.103]

Can a licensed collector sell a curio or relic shotgun or rifle to a nonlicensed resident of another State?

Yes. A licensed collector is specifically authorized to sell a curio or relic shotgun or rifle to a nonlicensed resident of another State so long as 1) The purchaser meets with the licensee in person at the licensee's premises to accomplish the transfer, sale, and delivery of the rifle or shotgun; and 2) The sale, delivery, and receipt of the rifle or shotgun fully comply with the legal conditions of sale in both such States.

[27 CFR 478.96 (c)(1)]

Are licensed collectors required to turn in their acquisition/disposition records to ATF if their collector's license is not renewed or they discontinue their collecting activity?

No. The GCA requires the delivery of required records to the Government within 30 days after a firearm "business" is discontinued. A license as a collector of curios or relics does not authorize any business with respect to firearms. This is in contrast to firearm importers, manufacturers, and dealers who are licensed to engage in a firearms business. Therefore, the records required to be kept by licensed collectors under the law and regulations are not business records and are not required to be turned in to ATF when collectors' licenses are not renewed or collecting activity under such licenses is discontinued.

[18 U.S.C. 923(g)(4), 27 CFR 478.127]

May a licensed collector obtain NFA firearms in interstate commerce?

Only if the firearms are classified as curios or relics, are registered in the National Firearms Registration and Transfer Record, and are transferred in accordance with the provisions of the NFA.

[27 CFR 479.83 – 479.86]

May semiautomatic assault weapons, which have been classified as curios or relics, be imported?

Not unless they are being imported for sale to a government agency or law enforcement officer employed by such agency for official use. Because ATF will not approve an importation that would place the importer in violation of the law, ATF would not authorize the importation of semiautomatic assault weapons, even if classified as curios or relics, unless the importer provided evidence that the weapons were being imported for sale to a governmental entity or other exempt purchaser.

[18 U.S.C. 922(v)]